

Jack R. Nelson (SBN 111863)
Keith D. Yandell (SBN 233146)
REED SMITH LLP
1999 Harrison Street, Suite 2400
Oakland, CA 94612-3572

E-mail: kyandell@reedsmith.com

Mailing Address:
P.O. Box 2084
Oakland, CA 94604-2084

Telephone: +1 510 763 2000
Facsimile: +1 510 273 8832

Attorneys for Defendant Wachovia Bank, FSB

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JUAN CUEVAS,

Plaintiff,

vs.

ATLAS REALTY/FINANCIAL SERVICES,
INCORPORATED, a California corporation, dba
ATLAS REALTY, dba ATLAS FINANCIAL
SERVICES, ALVIN CLAIR SILBERNAGEL,
SAMANTHA TREVINO, WORLD SAVINGS,
INC., dba WORLD SAVINGS BANK, FSB, and
DOES 1 to 100,

Defendants.

Case No. C07 02814 JF

CERTIFICATE OF SERVICE

Date: December 14, 2007
Time: 9:00 a.m.
Place: Department 3
Compl. Filed: May 30, 2007

Honorable Jeremy Fogel

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1999 Harrison Street, Suite 2400, Oakland, CA 94612-3572. On October 9, 2007, I served the following document(s) by the method indicated below:

WORLD SAVINGS BANK, FSB'S NOTICE OF MOTION AND MOTION TO DISMISS;

DEFENDANT WORLD SAVINGS BANK FSB'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S SECOND, SIXTH, SEVENTH, EIGHTH AND NINTH CLAIMS FOR RELIEF AND TO STRIKE PORTIONS OF PLAINTIFF'S COMPLAINT;

WORLD SAVINGS BANK, FSB'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS;

[PROPOSED] ORDER GRANTING WORLD SAVINGS BANK, F.S.B.'S MOTION TO DISMISS PLAINTIFF'S SECOND, SEVENTH, EIGHTH AND NINTH CLAIMS FOR RELIEF AND TO STRIKE PORTIONS OF PLAINTIFF'S COMPLAINT

- ☐ by transmitting via facsimile on this date from fax number +1 510 273 8832 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct 2003(3).
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.
- ☒ by transmitting via email via court electronic filing to the parties at the email addresses listed below:

Annette D. Kirkham
Mona Motwani
Law Foundation of Silicon Valley
111 West St. John Street, Suite 315
San Jose, CA 95113
annettek@lawfoundation.org

Attorneys for Plaintiff

Brian Danitz
Bart E. Volkmer
Wilson Sonsini Goodrich & Rosati
650 Page Mill road
Palo Alto, CA 94304-1050
bdantz@wsgr.com

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 9, 2007, at Oakland, California.

/s/ Marsha Kirschbaum
Marsha Kirschbaum

REED SMITH LLP
A limited liability partnership formed in the State of Delaware